

REMARKS**I. Status of the application:**

Claims 1 and 3-15 are all the claims pending in the application. Claims 14 and 15 have been allowed. Claims 1, 3, 5 and 7-13 stand rejected. Claims 4 and 6 have been objected to.

II. Response to Claim Rejections under 35 U.S.C. § 103:**Paragraph 3**

Claims 1, 3 and 12 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Lynch in US Patent 5,421,356 (hereafter Lynch) in view of Jang US Patent 5,944,040, (hereafter Jang); Carter in US Patent 6,138,702 (hereafter Carter I) and Carter in US Patent 6,240,940 (hereafter Carter II).

The Examiner contends Lynch, Jang and Carter I show all the elements of claim 1, except “the second rod of the roof frame is longer than the first rod of the roof edge frame.” However, the Examiner further contends that Carter II discloses the second rod is longer than the first by the fact that the legs are angled outward and it would be obvious to modify Lynch to allow the pillars to assume an outward stance thereby providing a more stable platform for the canopy and making the a second rod of the roof frame longer than the first rod of the roof edge frame. Applicant disagrees, as follows:

In Carter II, the first 54 and second 66 roof edge frame rods have the same length. This is, as shown in FIG. 12, the horizontal distances between left hinge points and right hinge point of the first 54 ad second 66 roof edge frame rods are exactly identical to each other. However, the legs are angled outward since a distance between a leg of the leg slider member 42 to a hinge point is different from that between a leg of the hinge means 70 to the hinge point as

Amendment response to 7/23/07, Office Action

shown in FIG. 13. In more detail, since the socket 72 of the leg slider member 42 is projected from the leg lengthwise to form the hinge point, although the first 54 and the second 66 roof edge frame rods have the same length, the legs can be angled outward. Therefore, Carter II fails to teach that the second 66 roof edge frame rod is longer than the first 54 roof edge frame rod, and the rejection is without support in the cited art.

Further claim 1, as amended, now recites "...or multiple stepped peak roofs including a cross-pyramid type roof, and a modified cross-pyramid type roof." the cited art does not relate to the shape of a roof, whereas the present invention discloses a roof having multiple stepped peaks, as shown in Figs C, D and E of Applicant's specification, in which the second rod of the roof edge frame is longer than the first rod of the roof edge frame (a first stepped peak), and the first rod of the roof center frame is longer than the second rod of the roof center frame (a second stepped peak), resulting in unique effects of improvement of drainage, prevention of roof cloth drooping and the like.

The rejection of claim 1 under 35 U.S.C. § 103(a) is without support in the cited art as described above. Withdrawal of the rejection and allowance of claim 1 are requested.

Claim 3 has been amended to depend upon allowed claims 14 or 15 and is patentable over the cited art on the same basis as claim 14 or 15.

Claim 12 depends from claim 3 and is patentable over the cited art on the same basis as claim 3.

Paragraph 4

Claim 5 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Lynch, as modified, as applied to claim 1 above, and further in view of Surrendi in US Patent 4,945,936 and Jang in US Patent 6,152,157.

Amendment response to 7/23/07, Office Action

Claim 5 has been amended to depend upon allowed claim 14 or 15 and is patentable over the cited art on the same basis as claims 14 or 15 from which they depend.

Paragraph 5

Claim 7 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Lynch, as modified, as applied to claim 1 above, and further in view of Surrendi.

Claim 7 has been amended to depend upon allowed claims 14 or 15 and is patentable over the cited art on the same basis as claims 14 or 15 from which they depend.

Paragraph 6

Claims 8 and 9 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Lynch, as modified, as applied to claim 1 above, and further in view of Glover et al. in US Patent 6,516,823.

Claims 8 and 9 have been amended to depend upon allowed claims 14 or 15 and are patentable over the cited art on the same basis as claims 14 or 15 from which they depend.

Paragraph 7

Claim 10 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Lynch, as modified, as applied to claim 1 above, and further in view of Malloookis et al. in US Patent 5,490,532.

Claim 10 has been amended to depend upon allowed claims 14 or 15 and is patentable over the cited art on the same basis as claims 14 or 15 from which it depends.

Paragraph 8

Claim 11 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Lynch, as modified, as applied to claim 1 above, and further in view of Suh in US Patent 6,757,656.

Amendment response to 7/23/07, Office Action

Claim 11 has been amended to depend upon allowed claims 14 or 15 and is patentable over the cited art on the same basis as claims 14 or 15 from which it depends.

Paragraph 9

Claim 13 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Lynch, as modified, as applied to claim 3 above, and further in view of Zeigler in US Patent 5,274,980.

Claim 13 has been amended to depend upon allowed claims 14 or 15 and is patentable over the cited art on the same basis as claims 14 or 15 from which it depends.

Paragraph 10

Claims 14 and 15 have been allowed.

Paragraph 11

Claims 4 and 6 depend from claim 1 and are patentable over the cited art on the same basis as claim 1, which has been distinguished from the cited art.

Amendment response to 7/23/07, Office ActionCONCLUSION

Based on the foregoing amendments and remarks, Applicants respectfully request reconsideration and withdrawal of the rejection of the claims; allowance, and passage to issue of this application.

AUTHORIZATION

The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Amendment to Deposit Account No. 13-4500, Order No. 1592-4043.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No 13-4500, Order No. 1592-4043.

Respectfully submitted,
MORGAN & FINNEGAN, L.L.P.

Dated: October 23, 2007

By: Joseph C. Redmond, Jr.
Joseph C. Redmond, Jr.
Registration No. 18,753

Correspondence Address:

Address Associated With Customer Number:
27123

(202) 857-7887 Telephone
(202) 857-7929 Facsimile